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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

KHAN MICHAEL ORDONEZ,

Plaintiff

vs.

FRONTIER AIRLINES, REPUBLIC
 AIRWAYS HOLDINGS, ROBERT
 SORENSON an individual and DOES 1-20. ,

Defendant

Case No.: CV 13-00940 TEH

PLAINTIFF'S REQUEST FOR JUDICIAL
 NOTICE IN SUPPORT OF OPPOSITION TO
 MOTION TO DISMISS DEFENDANT
 ROGER SORENSON

[Fed. R. Evid. 201]

Date: April 15, 2013
 Time: 10:00 a.m.
 Courtroom: B
 Judge: Hon. Thelton E. Henderson

Removal Filed: March 1, 2013
 Trial Date: TBD

REQUEST FOR JUDICIAL NOTICE

Plaintiff, Khan Michael Ordonez ("Plaintiff") hereby requests that the Court take judicial notice of the following documents attached as Exhibits A through C. This request is made pursuant to Rule 201 of the Federal Rules of Evidence and the authorities cited below. This request is made in connection with Plaintiff's Opposition to Defendants' Motion to dismiss the

Complaint filed by Defendants Frontier Airlines Inc., Republic Airways Holdings Inc., and Roger Sorenson (Dkt. 6) as well as Plaintiffs Motion to Remand filed on March 20, 2013.

EXHIBIT	DESCRIPTION
A.	August 12, 2011 Two Signed DFEH Complaints Naming Defendant Frontier Airlines (DFEH # E201112M0431-00-pv)and Roger Sorenson (DFEH # E201112M0431-01-pv)
B.	April 20, 2011 One Amended DFEH Complaint Naming Defendant Frontier Airlines and Defendant Republic Airways Holdings Inc. (DFEH # E201112M0431-00-pv)
C.	Two Right to Sue Letters Dated July 19, 2012 Re: DFEH # E201112M0431-00-pv and DFEH # E201112M0431-01-pv

BASIS FOR REQUESTING JUDICIAL NOTICE

"Generally, a court may not consider material beyond the complaint in ruling on a Fed. R. Civ. P. 12(b)(6) motion. However, a court may take judicial notice of matters of public record without converting a motion to dismiss into a motion for summary judgment, as long as the facts noticed are not subject to reasonable dispute." *Intri-Plex Techs., Inc. v. Crest Group, Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007) (internal quotation marks and citations omitted).

Further, Courts may take judicial notice of the records of a state agency that are not subject to reasonable dispute. *Livingston v. Kemper Sports Mgmt.*, 2012 U.S. Dist. LEXIS 154277, 6-7 (E.D. Cal. Oct. 26, 2012) citing *City of Sausalito v. O'Neill*, 386 F.3d 1186, 1223, n.2 (9th Cir. 2004) (The Court "may take judicial notice of a record of a state agency not subject to reasonable dispute."); see also *Davenport v. Bd. of Tr. of State Ctr. Cmty. Coll. Dist.*, 654 F. Supp. 2d 1073, 1088 (E.D. Cal. 2009) (taking judicial notice of DFEH-related documents on grounds that they are official records of a state administrative agency).

Exhibits A-C present Complaints and Correspondence between the California Department of Fair Employment and Housing and the Plaintiff in the above captioned matter.

1 Further Plaintiff's Complaint specifically references Exhibits A-C in paragraphs 6-9 as those
2 administrative documents upon which his causes of action are based. (Complaint ¶¶ 6-9).¹
3 Defendant has asserted in their motion to dismiss that Plaintiff Sixth Cause of Action for
4 Retaliation was brought pursuant to the CFRA, however Exhibits A-C make it clear the plaintiffs
5 Cause of Action for Harassment is rooted in the FEHA.

6 For the Following reasons this Court may properly consider Exhibits A-C in ruling on
7 Defendants Motion to Dismiss and Motion to Remand.
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10 Dated: March 20, 2013

LAW OFFICE OF KENNETH C. ABSALOM

11 By: /s/ James J. Achermann
12 Kenneth C. Absalom
13 James J. Achermann
14 Attorneys for Plaintiff
KHAN MICHAEL ORDONEZ

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28 ¹ Plaintiff's Complaint has been attached as Exhibit A to Defendants Notice of Removal lodged with this Court at Docket #1. Plaintiff has in the interest of conservation not attached it to this Opposition.